

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Charles Edward Atwell,)	C/A 8:07-0703-GRA-WMC
)	
Plaintiff,)	
)	
vs.)	Report and Recommendation
)	
Jennifer Ann Evatt-Gilstrap, an individual;)	
Deborah Ann Johnson, an individual; and)	
Woodbury Financial Services, a corporation,)	
)	
Defendant(s).)	
)	

This matter is before the court because of the plaintiff's failure to comply with the Court's order of April 16, 2007.

The plaintiff, a resident of South Carolina, filed this civil action alleging "intentional interference with prospective contractual relations", defamation, conspiracy, intentional infliction of emotional distress, fraud, constructive fraud, "failure to act properly in assumption of duty", duress, negligence, and "unfair termination of contract". The complaint was filed by the plaintiff on March 13, 2007. Under Local Rule 73.02(B)(2) pretrial proceedings in this action were automatically referred to the assigned United States Magistrate Judge.

On April 16, 2007, the Magistrate Judge ordered the plaintiff to provide the Court with documents needed to render his case into proper form within twenty (20) days, plus three (3) days mail time pursuant to FRCP 6(e), and to keep the Clerk of Court advised in writing (**Post Office Box 10768, Greenville, South Carolina 29603**) if his address changed for any reason, so as to assure that orders or other matters that specify deadlines to be met would be received by the

plaintiff. Furthermore, the plaintiff was notified that failure to comply with this order would result in dismissal, without prejudice, of the plaintiff's case.

The plaintiff has failed to provide the Court with the necessary documents and has failed to provide a forwarding address to the Court, and the time to do so has now expired.

Recommendation

Accordingly, it is recommended that the District Court dismiss the above-captioned case *without prejudice* and without issuance and service of process because the plaintiff has not responded to the order of April 16, 2007. **The plaintiff's attention is directed to the Notice on the next page.**



WILLIAM M. CATOE
UNITED STATES MAGISTRATE JUDGE

June 6, 2007
Greenville, South Carolina

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Court Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. In the absence of a timely filed objection, a district court judge need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005).

Specific written objections must be filed within ten (10) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The time calculation of this ten-day period excludes weekends and holidays and provides for an additional three (3) days for filing by mail. Fed. R. Civ. P. 6(a) & (e). Filing by mail pursuant to Fed. R. Civ. P. 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
P.O. Box 10768
Greenville, South Carolina 29603

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985).